

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS,

Petitioner-Appellant,

v.

UNITED STATES,

Respondent-Appellee.

On Appeal from the United States District Court for the District of Minnesota
No. 20-mc-82-PJS-TNL (Hon. Patrick J. Schiltz)

Petitioner-Appellant's Consent Motion for Extension of Time

PREPARED AND SUBMITTED BY:

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Pursuant to Federal Rule of Appellate Procedure 27, Petitioner-Appellant the Reporters Committee for Freedom of the Press (the “Reporters Committee”) respectfully requests a 30-day extension of time, from December 27, 2022, to and including January 26, 2023, in which to file its Brief and the Appendix in the above-captioned case. This is the Reporters Committee’s first request for an extension. Respondent-Appellee the United States of America (the “Government”), represented by the United States Attorney for the District of Minnesota, consents to this request.

In support of its motion, the Reporters Committee states the following:

1. According to Federal Rule of Appellate Procedure 26(b), this Court may extend the time for filing a brief for “good cause.” Fed. R. App. P. 26(b).
2. This case presents a challenge to the Order in Case No. 20-mc-82-PJS-TNL in the District Court for the District of Minnesota, denying without prejudice the Reporters Committee’s Amended Application to Unseal Certain Surveillance Orders and Related Materials for lack of standing.
3. On November 7, 2022, this Court entered its briefing schedule. Under that briefing schedule, the Reporters Committee’s Brief and the Appendix are due on December 27, 2022. The Government’s Brief is due 30 days from the date the court issues the Notice of Docket Activity filing the brief, and the Reporters

Committee's Reply Brief is due 21 days from the date the court issues the Notice of Docket Activity filing the Government's Brief.

4. The requested 30-day extension is necessary in light of other pressing litigation obligations for which undersigned counsel is responsible, as well as the intervening holidays and counsels' pre-scheduled absences from the office. At present, from the date of the filing of this Motion to December 27, 2022, undersigned counsel from the Reporters Committee will, *inter alia*, be appearing in a status conference in federal district court and finalizing an amicus brief to be filed in the U.S. Court of Appeals for the D.C. Circuit.

5. Additionally, lead counsel for the Reporters Committee works for a law school clinic at UC Berkeley School of Law and plans to incorporate students into the action at hand so they can participate in and learn about federal appellate litigation. Classes for the fall semester conclude on December 2, 2022, and classes begin for the spring semester on January 9, 2023. The current briefing schedule would make including students untenable at this stage.

6. In light of these commitments, as well as others, undersigned counsel require 30 additional days to prepare the Reporters Committee's Brief and the Appendix in the above-captioned case.

7. Counsel for the Reporters Committee have consulted with counsel for the Government. The Government consents to this motion. Accordingly, the Reporters Committee request that the Court enter the following briefing schedule:

Appellant's Brief: January 26, 2023

Appendix: January 26, 2023

Appellee's Brief: 30 days from the date the court issues the Notice of Docket Activity filing Appellant's Brief

Appellant's Reply Brief: 21 days from the date the court issues the Notice of Docket Activity filing Appellee's Brief

CONCLUSION

For the foregoing reasons, this Court should extend the time for filing the Reporters Committee's Brief and the Appendix by 30 days, to and including January 26, 2023.

Dated: November 21, 2022

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 532 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f). This count is from the word-count function of Microsoft Word.

2. This motion complies with the typeface and type style requirements of Fed. R. App. P. 27(d)(1)(e) because it conforms with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6). This motion has been prepared in a proportionally spaced typeface using Microsoft Word for Mac Version 16.67 (part of Microsoft Word for Office 365) in 14-point Times New Roman font.

3. Pursuant to Eighth Circuit Rule 28A(h)(2), this motion has been scanned for viruses and the motion is virus-free.

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Megan Graham